

Clay M. Taylor
 Bryan C. Assink
 BONDS ELLIS EPPICH SCHAFER JONES LLP
 420 Throckmorton Street, Suite 1000
 Fort Worth, Texas 76102
 (817) 405-6900 telephone
 (817) 405-6902 facsimile
 Email: clay.taylor@bondsellis.com
 Email: bryan.assink@bondsellis.com
Attorneys for James Dondero

Deborah Deitsch-Perez
 Michael P. Aigen
 STINSON LLP
 3102 Oak Lawn Avenue, Suite 777
 Dallas, Texas 75219
 (214) 560-2201 telephone
 (214) 560-2203 facsimile
 Email: deborah.deitschperez@stinson.com
 Email: michael.aigen@stinson.com
**Attorneys for James Dondero, Nancy Dondero,
 Highland Capital Management Services, Inc. and
 HCRE Partners, LLC**

Davor Rukavina
 Julian P. Vasek
 MUNSCH HARDT KOPF & HARR, P.C.
 500 N. Akard Street, Suite 3800
 Dallas, Texas 75202-2790
 (214) 855-7500 telephone
 (214) 978-4375 facsimile
 Email: drukavina@munsch.com
**Attorneys for NexPoint Advisors, L.P. and
 Highland Capital Management Fund Advisors, L.P.**

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

In re: § **Case No. 19-34054**

HIGHLAND CAPITAL MANAGEMENT, L.P. § **Chapter 11**

Debtor. §

HIGHLAND CAPITAL MANAGEMENT, L.P., §

Plaintiff, §

Adv. Proc. No. 21-03003-sgj §

vs. §

**JAMES DONDERO, NANCY DONDERO, AND
 THE DUGABOY INVESTMENT TRUST,** §

Defendants. §

<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03005-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03006-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03007-sgj</p>

**APPENDIX IN SUPPORT OF DEFENDANTS' REPLY IN SUPPORT OF
DEFENDANTS' MOTION TO STRIKE APPENDIX IN SUPPORT OF
PLAINTIFF'S REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT
OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST
THE ALLEGED AGREEMENT DEFENDANTS**

Defendants James Dondero, NexPoint Advisors, L.P., Highland Capital Management Services, Inc., and HCRE Partners, LLC file this *Appendix in Support of Defendants' Reply in Support of Defendants' Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants*, and request the Court take judicial notice of the documents contained herein.

Exhibit	Document	Appendix Page(s)
1	Declaration of Michael Aigen, dated April 1, 2022	App. 1-4
A	Email from Deborah Deitsch-Perez to J. Morris, dated October 28, 2021	App. 5-6

Dated: April 1, 2022

Respectfully submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez
State Bar No. 24036072
Michael P. Aigen
State Bar No. 24012196
STINSON LLP
3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219
(214) 560-2201 telephone
(214) 560-2203 facsimile
Email: deborah.deitschperez@stinson.com
Email: michael.aigen@stinson.com

**ATTORNEYS FOR JAMES DONDERO, NANCY
DONDERO, HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC. AND NEXPOINT REAL ESTATE
PARTNERS, LLC**

/s/Clay M. Taylor

Clay M. Taylor
State Bar No. 24033261
Bryan C. Assink
State Bar No. 24089009
BONDS ELLIS EPPICH SCHAFFER JONES LLP
420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102
(817) 405-6900 telephone
(817) 405-6902 facsimile
Email: clay.taylor@bondsellis.com
Email: bryan.assink@bondsellis.com
ATTORNEYS FOR JAMES DONDERO

/s/Davor Rukavina

Davor Rukavina
Julian P. Vasek
MUNSCH HARDT KOPF & HARR, P.C.
500 N. Akard Street, Suite 3800
Dallas, Texas 75202-2790
(214) 855-7500 telephone
(214) 978-4375 facsimile
Email: drukavina@munsch.com
**ATTORNEYS FOR NEXPOINT ADVISORS, L.P. AND
HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on April 1, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Plaintiff Highland Capital Management, L.P. and on all other parties requesting or consenting to such service in this case.

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez

Exhibit 1

Clay M. Taylor
 Bryan C. Assink
 BONDS ELLIS EPPICH SCHAFER JONES LLP
 420 Throckmorton Street, Suite 1000
 Fort Worth, Texas 76102
 (817) 405-6900 telephone
 (817) 405-6902 facsimile
 Email: clay.taylor@bondsellis.com
 Email: bryan.assink@bondsellis.com
Attorneys for James Dondero

Deborah Deitsch-Perez
 Michael P. Aigen
 STINSON LLP
 3102 Oak Lawn Avenue, Suite 777
 Dallas, Texas 75219
 (214) 560-2201 telephone
 (214) 560-2203 facsimile
 Email: deborah.deitschperez@stinson.com
 Email: michael.aigen@stinson.com
**Attorneys for James Dondero, Nancy Dondero,
 Highland Capital Management Services, Inc. and
 HCRE Partners, LLC**

Davor Rukavina
 Julian P. Vasek
 MUNSCH HARDT KOPF & HARR, P.C.
 500 N. Akard Street, Suite 3800
 Dallas, Texas 75202-2790
 (214) 855-7500 telephone
 (214) 978-4375 facsimile
 Email: drukavina@munsch.com

**Attorneys for NexPoint Advisors, L.P. and
 Highland Capital Management Fund Advisors, L.P.**

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

In re:	§	Case No. 19-34054
---------------	---	--------------------------

HIGHLAND CAPITAL MANAGEMENT, L.P.	§	Chapter 11
------------------------------------------	---	-------------------

Debtor.	§	
----------------	---	--

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
-------------------------------------------	---	--

Plaintiff,	§	
-------------------	---	--

	§	Adv. Proc. No. 21-03003-sgj
--	---	------------------------------------

vs.	§	
------------	---	--

JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§	
-----------------------------------------------------------------------------------------	---	--

Defendants.	§	
--------------------	---	--

<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03005-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03006-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03007-sgj</p>

**DECLARATION OF MICHAEL P. AIGEN IN SUPPORT OF DEFENDANTS’
REPLY IN SUPPORT OF DEFENDANTS’ MOTION TO STRIKE APPENDIX IN
SUPPORT OF PLAINTIFF’S REPLY MEMORANDUM OF LAW IN FURTHER
SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST
THE ALLEGED AGREEMENT DEFENDANTS**

Michael P. Aigen, pursuant to 28 U.S.C. § 1746(a), under penalty of perjury, declares as follows:

1. I am a member of the law firm of Stinson LLP, counsel to Defendant James Dondero, Highland Capital Management Services, Inc. and HCRE Partners, LLC n/k/a NexPoint Real Estate Partners, LLC, and I submit this Declaration in support of the *Defendants' Reply in*

Support of Defendants' Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants, which is being filed concurrently with this Declaration. I submit this Declaration based on my personal knowledge and the documents listed below.

2. Attached as **Exhibit A** is a true and correct copy of an email from Deborah Deitsch-Perez to J. Morris, dated October 28, 2021.

Dated: April 1, 2022

/s/Michael P. Aigen
Michael P. Aigen

Exhibit A

From: Deitsch-Perez, Deborah R.
Sent: Thursday, October 28, 2021 3:37 PM
To: John A. Morris
Cc: Aigen, Michael P.
Subject: Your requests

John, I have lost track of which I have answered and which not, but to summarize what I thought you had asked about the term loans, in addition to the subsequent agreement defense, there are also defenses relating to Highland's failure to pay the term loans, covered by the waiver and estoppel paragraphs and relating to prepayment, covered by the justification paragraph.

I am not answering your request for a list of trial witnesses, because that is premature.

Are there any other documents (besides the book you sent) that you want Jim to have access to for the deposition? Thx,
Deborah

Deborah R. Deitsch-Perez
Partner
Dallas
214.560.2218
x62218